

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

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In re FEDEX GROUND PACKAGE)	Cause No. 3:05-MD-527-RM
SYSTEM, INC., EMPLOYMENT)	(MDL 1700)
PRACTICES LITIGATION)	
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THIS DOCUMENT RELATES TO:)	
)	
<i>Attilio Catanese, et al. v. FedEx Ground</i>)	
<i>Package System, Inc.,</i>)	
Civil No. 3:07-cv-00324-RLM-CAN (LA))	
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**CATANESE PLAINTIFFS'
MOTION FOR SUMMARY ADJUDICATION**

Plaintiffs Attilio Catanese, Sean Dunmire, Steve Hatton, Kevin Hiscox, Russell Jackson, Tim Ketterhagen, Adelbert Lawrence, Kenneth Miner, Ernest Neal III, Andy Parker, Jeff Smith, Carl Veal, Michael Vosbein, and Michael Wise move this Court for an Order pursuant to Federal Rule of Civil Procedure 56, seeking summary adjudication that they were employees of Defendant FedEx Ground Package System, Inc., and are entitled to overtime compensation under the Fair Labor Standards Act (“FLSA”).

In support of this motion, Plaintiffs refer the Court to Catanese Plaintiffs’ Memorandum of Law in Support of Summary Adjudication, Catanese Plaintiffs’ Supplemental Statement of Undisputed Facts, the Declaration of Susan E. Ellingstad and exhibits attached thereto, Catanese Plaintiffs’ Memorandum of Law in Support of Motion to Amend Class Certification Order Pursuant to Rule 23(c) (1) (c), and all prior pleadings, Orders, and proceedings herein.

WHEREFORE, Plaintiffs respectfully request that the Court grant their motion and enter an Order granting summary adjudication.

Dated: October 30, 2009

Respectfully submitted,

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